

FILED
CLERK

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

5/22/2020 4:25 pm

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KEVIN ANDREW ECKERT, JR., #375435,

U.S. DISTRICT COURT
EASTERN DISTRICT OF NEW YORK
LONG ISLAND OFFICE

Plaintiff,

-against-

ORDER
19-CV-06991 (JMA)(SIL)

SUFFOLK COUNTY JAIL,

Defendant.

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AZRACK, District Judge:

By Order dated February 27, 2020, the Court granted the application of then-incarcerated *pro se* plaintiff Kevin Andrew Eckert, Jr. to proceed *in forma pauperis* and *sua sponte* dismissed the complaint in its entirety pursuant to 28 U.S.C. §§ 1915(e)(2)(B)(ii), 1915A(b)(1). Plaintiff was granted leave to file an amended complaint within thirty (30) days from the date of the Order. (See ECF No. 7.) The Order was mailed on February 27, 2020 to plaintiff at the Suffolk County Correctional Facility, his then-address of record. On February 28, 2020, plaintiff filed a Notice of Change of address to a residence in Patchogue, New York. (ECF No. 9.) Accordingly, on March 2, 2020, the Order was re-mailed to plaintiff at this new address.

Having failed to file an amended complaint, and in light of the national emergency caused by the COVID-19 virus, on April 4, 2020, the Court further extended the time for plaintiff to file an amended complaint through May 4, 2020. (See ECF No. 12.) The Order “cautioned that judgment shall enter in accordance with the February 27, 2020 Order and this case will be closed unless [plaintiff] files an amended complaint with the Court on or before May 4, 2020.” (Id.) To date, plaintiff has not filed an amended complaint, nor has he otherwise communicated with the Court about this case since his February 28, 2020 filing of his Notice of Change of Address.

Given that it appears that plaintiff is no longer interested in pursuing this case, the Clerk of the Court is directed to enter judgment in accordance with the February 27, 2020 Order (ECF No. 7) and close this case.

The Court certifies pursuant to 28 U.S.C. § 1915(a)(3) that any appeal from this Order would not be taken in good faith and therefore *in forma pauperis* status is denied for the purpose of any appeal. See Coppedge v. United States, 369 U.S. 438, 444–45 (1962).

The Clerk of Court shall mail a copy of this Order to the plaintiff at his last known address.

SO ORDERED.

Dated: May 22, 2020
Central Islip, New York

/s/ (JMA)
Joan M. Azrack
United States District Judge